



CANNON BUILDING
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BOARD OF FUNERAL SERVICES

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MEETING MINUTES:	BOARD OF FUNERAL SERVICES
DATE AND TIME:	May 24, 2016 at 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	July 26, 2016

MEMBERS PRESENT

S. Keith Parsell, Professional Member, President
Duwayne Casini, Professional Member, Secretary
Chad Chandler, Professional Member
Jane Hovington, Public Member (10:08 a.m. – 12:20 p.m.)
Danna Levy, Public Member

MEMBERS ABSENT

Mary Byrd, Public Member
Bill Torbert, Professional Member

DIVISION STAFF

Meredith Hurley, Administrative Specialist II
Kevin Maloney, Deputy Attorney General

ALSO PRESENT

Edward Conway

CALL TO ORDER

Mr. Parsell called the meeting to order at 10:08 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

Mr. Casini made a motion, seconded by Ms. Hovington, to approve the March 22, 2016 meeting minutes as written. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Discussion Regarding SB65 and Changes to Rules & Regulations

The Board discussed the guidelines that the new inspector will need to look for during inspections.

Ms. Hovington was concerned with facilities not being licensed and how to stop them immediately from practicing funeral services. Mr. Maloney stated the Division has the authority to issue a cease and desist order to prevent them from practicing without a license.

Mr. Parsell discussed issues about the proper identification of the deceased stating some firms do not do any kind of physical identification. He advised the Board that toe tags are not used for house calls or accident scenes. Mr. Parsell had a concern about the deceased being held multiple days without refrigeration. It causes a health threat and health concerns to the employees at the facilities. The Board of Health has separate requirements that will need to be taken into consideration when trying to establish procedures. Mr. Maloney advised the Board that it would be wise to work with other agencies to create some consistency.

The Board will continue the discussion during the next regularly scheduled meeting.

NEW BUSINESS

House Bill 246

The Board was advised that HB 246 was signed May 11, 2016, repealing 3106(e) in the statutes.

Review of Applications for Continuing Education Approval

Mr. Chandler made a motion, seconded by Ms. Levy, to approve the 3 hours requested by Douglas G. Brown for "Mortuary Transportation Regulations: The Human Dignity Act of 2012." By unanimous vote, the motion carried.

Mr. Chandler made a motion, seconded by Ms. Levy, to approve the continuing education requested by Andrew Parsell listed below. By unanimous vote, the motion carried.

"The Autopsy Process & Common Misconceptions", 1 hour

"Cremation Liability", 2 hours

"Setting a New Standard: The Cremation Arrangement", 2 hours

"Bringing the System Together to Increase the Value of Ceremony", 2 hours

"Embalming 2 Ways", 2 hours

Review of Substantially Related Crimes List

Mr. Maloney advised the Board that Governor Markell executed Executive Order 60, on April 20, 2016. The purpose of the Order is to identify ways that create potential barriers for licensure. Mr. Maloney requested that the Board review the list of crimes deemed substantially related to the practice of funeral services, to see if any of the crimes are outdated or could be removed. He explained the procedures involved when an applicant has a criminal background and is still seeking licensure.

The Board will continue the discussion during the next regularly scheduled meeting.

Review of Recommendation of Chief Hearing Officer

The Board considered the recommendation of the Chief Hearing Officer Regarding Deborah E. Harris-Nock (Case 27-01-15). Mr. Chandler made a motion, seconded by Ms. Hovington, to accept the conclusions of law and findings of fact; but to modify the recommended discipline to reflect the following: the monetary penalty must be paid in full before Ms. Harris-Nock can be considered for licensure in the future. By unanimous vote, the motion carried.

Mr. Maloney will draft the Order for signature by the Board President.

Review of Consent Agreements

The Board considered the Consent Agreement for Michael V. Rostocki, III (Cases 27-03-15 and 27-04-15). Mr. Chandler made a motion, seconded by Ms. Levy, to accept the Consent Agreement. The motion carried with Mr. Parsell recusing.

The Board considered the Consent Agreement for William J. Krienen, III (Cases 27-05-15 and 27-06-15). Mr. Casini made a motion, seconded by Ms. Levy, to accept the Consent Agreement. The motion carried with Mr. Parsell recusing.

Review of Applications for Licensure

Mr. Chandler made a motion, seconded by Ms. Levy, to propose to deny the application of Carolyn Whigham for Funeral Director, as it appears that she does not meet the statutory requirements for licensure due to being the recipient of administrative penalties. By unanimous vote, the motion carried.

Mr. Chandler made a motion, seconded by Ms. Hovington, to propose to deny the application of Terry Whigham for Funeral Director, as it appears that she does not meet the statutory requirements for licensure due to being the recipient of administrative penalties. By unanimous vote, the motion carried.

Mr. Chandler made a motion, seconded by Ms. Levy, to approve Kara Whigham for licensure as a Funeral Director, contingent upon a passing score on the State Exam. By unanimous vote, the motion carried.

Mr. Chandler made a motion, seconded by Ms. Levy, to approve Lawrence Botts, III, for licensure as a Funeral Director, contingent upon a passing score on the State Exam. By unanimous vote, the motion carried.

Mr. Chandler made a motion, seconded by Ms. Levy, to approve Lewis Hunt-Irving for licensure as a Funeral Director, contingent upon a passing score on the State Exam. By unanimous vote, the motion carried.

CORRESPONDENCE

The Board discussed the items offered through The Conference, with no one wanting to pursue the following:

Review Committee for The Conference Model Practice Act
Open Comment Period on The Conference Model Practice Act
National Examination Board Committee

The press release sent by The Conference in regards to the FARB Antitrust Issues was informational and is another model or boilerplate for states to use as a guideline.

There was no interest from the Board to attend the Funeral Consumers Alliance National Conference 2016.

OTHER BUSINESS BEFORE THE BOARD (For discussion only)

There was no other business before the Board.

PUBLIC COMMENT

Mr. Conway introduced himself and agreed that better identification procedures need to be established. He also addressed the refrigeration policy, noting that interpretations may vary due to not having set temperature requirements.

NEXT MEETING

The next Board meeting is scheduled for Tuesday, July 26, 2016, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Chandler made a motion, seconded by Ms. Levy, to adjourn the meeting at 12:20 p.m. By unanimous vote, the motion carried.

Respectfully Submitted,

A handwritten signature in black ink that reads "Meredith Hurley". The signature is written in a cursive, flowing style.

Meredith Hurley
Administrative Specialist II